

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS Nos. 7974/2001, 7495/2001 &
7496/2001.

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

JUNAGADH MUNICIPALITY

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7974 of 2001
MR JAYANT PATEL for Petitioner No. 1
Mr. Desair for the Respondents.
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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/11/2001

ORAL JUDGEMENT

Rule. Mr. Desai waives service of rule on
behalf of the respondents.

With the consent of parties, all these matters are taken up for hearing today and are being disposed of by this common judgment.

The grievance of the petitioner-Municipality in each of these petitions is that the Government is not releasing the amount of dearness allowance by way of grant to be paid to the employees who were appointed and confirmed pursuant to the award of the Tribunal passed in the respective References.

Learned Counsel Mr. Patel appearing for the petitioner-Municipality states that the Government should release the said amount by way of grant in favour of the petitioner-Municipality since as per the award of the Industrial Tribunal the concerned workmen are directed to be observed as permanent employees. Mr. Patel further stated that the awards which were passed in favour of the employees have been confirmed upto the Apex Court. Mr. Patel has also relied upon the observations made by this Court in Special Civil Application no.2619/1992 and allied matters wherein this Court has observed that the Government should consider the objections raised by the petitioner-Municipality against condition no.4 of the relevant resolution and other consequential aspects and a proper decision be taken within two months thereof after hearing the Municipality. Mr. Patel has further submitted that in view of the decision rendered by this Court in the aforesaid Special Civil Application, the State Government is required to consider the question of releasing the grant in its proper perspective. According to Mr. Patel a representation in this connection is pending before the respondent-authorities since 5th April, 2001 which has not been decided till today. Under the circumstances, it is directed that the respondent-authorities shall decide the representation dated 5th April, 2001 made by the petitioner-Municipality after affording opportunity of personal hearing to the petitioner-Municipality in the light of the observations made by this Court in Special Civil Application no.2619/1992 in any case not later than 31st December, 2001. In case the respondent-authorities fail to take the decision within the stipulated time, the petitioner-Municipality will be at liberty to move appropriate proceedings under the Contempt of Courts Act. If any adverse order is made against the petitioner-Municipality, it will be open for the petitioner-Municipality to challenge the same in accordance with law.

With these observations and directions, all these
three petitions are allowed to the aforesaid
extent. Rule is made absolute in each of the petitions.

(P.B.Majmudar, J.)
stanlee-pbm